JOHN I. DAVENPORT.

Petition of Naturalized Citizens to Congress.

THE STORY OF AN ELECTION DAY.

Alleged Intimidation by the Supervisor of Elections.

ARRESTS WITHOUT WARRANT OF LAW.

Terrible Record of Hardships Endured.

GROSS PARTISAN ACTION CHARGED.

Impeachment and Removal Demanded.

FROM OUR SPECIAL CORRESPONDENT.

WASHINGTON, Dec. 12, 1878. Mr. Wood caused a breeze of excitement in the ouse this morning by offering a resolution providing for the investigation of the conduct of John I. Davenport, in connection with the recent election in

the city of New York, in the following words:-

whereas it is alleged that at the election held in the city of New York on 5th November, 1878, United States Commissioner J. L. Davenport, acting as Chief Supervisor of Election for the Second Judicial District, was guilty of an illegal, unjust and oppressive exercise of pretended authority, in causing the arrest, detention and imprisonment of citizens innocent of offence, by which he deprived them of the right to vote and subjected them to indignity, insult and intimidation, without warrant of law or justification; which arrests have been declared illegal in a test case by a Judge of the Circuit Court of the United States; and whereas if these allegations be true that officer should be forthwith removed and punished.

Resolved, That the Committee on the Judiciary be directed to proceed, without delay, to an investigation of the conduct of said Davenport at the time aforesaid, with power to sit in the city of New York, by sub-committee or otherwise, and that said sub-committee shall have all the authority of the whole committee shall have all the authority of the whole committee shall have all the authority of the whole committee for said purpose, with power to administer oaths, send for persons and papers, to sit during the sessions of the House and to report at any time.

The resolution was accompanied by a petition numerously signed, stating the matters of grievance. Objection was made by Mr. Conger, and the petition was not read.

Mr. Garfield made the point of order on Mr. Wood that Davenport was not an impeachable officer, and suggested that the resolution should be to enable members to examine its scope and satisfy themselves whether is was a question of privilege, and also whether Mr. Daven-port was a civil officer within the meaning of the fourth section of the constitution.

SUGGESTION FROM THE SPEAKER. The Speaker suggested that as the resolution pre-sented a very important question it had better lie over to enable him to examine authorities on

the subject, and the resolution is now in a position to be called up at any time. It s not likely, however, that the Speaker will on the point before Monday. It is generally eld to be sound that the Speaker cannot be asked to lecide the question whether a given person is imthat the Speaker cannot decide a question of the privileges of the House. Mr. Wood means to press the resolution vigorously, and is determined, if possible, expose and cause to be punished what he regard an illegal interference with the election in New York city. But he will not, of course, interfere with the convenience of the Speaker. When the matter comes up again it is likely to cause a lively debate.

The following is the text of the petition:-

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TO THE HONDARLE THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:—
The undersigned would respectfully represent that on November 5, 1878, an election was held in the city and county of New York for Mayor, District Attorney and other county officers, and for members of Congress and of both branches of the State Legislature. While the city of New York is usually democratic by a large majority, on this occasion a combination had been made between the republicans and a portion of the democratic party in favor of the cantidates for most of the offices, and the election was closely contested.

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STATE AND FEDERAL ELECTION LAWS.

By the election law relating to New York city, all voters are required to register in their several election districts upon either the Sth, 16th, 26th or 26th days of October preceding the election, and if adopted citizens, to exhibit, when so registering, to the inspectors of election, their certificates of naturalization, and the latter are required to enter in the registration books, the court in which such parties were naturalized and the date of their certificate.

By the United States election law a Chief Supervisor of Elections is appointed in all large cities, who is required to be a United States commissioner, and who holds his office "while faithful and capable." (Revised Statutes, sec. 2,025.) Whose duty it is "to prepare the necessary blanks, to present to the Circuit Court the names proposed for supervisors of election, to require from the latter lists of the registered voters, and cause the names of those whose right to vote is housely doubted, to be verified by inquiry at their respective places of residence, and to preserve the oaths of marshals, and all other papers referred to in the statute (sec. 2,026).

Law BEGARDING NATURALIZATION.

By the set of Congress, July 14, 1870, it is declared to be a felony:—

First—For any person to falsely personate another in naturalization proceedings, or falsely make, forge or counterfeit any certificate of naturalization, or sell any such paper. (Revised Statutes, sec. 5,424).

**Scond—For any person to use any certificate of any such paper. (Revised Statutes, sec. 5,426).

Third—For any person in any manner to use for any such paper. (Revised Statutes, sec. 5,426).

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**Third—For any person in any manner to use for the purpose of registration as a voter or as evidence of a right to vote or otherwise unlawfully any order

 New York was: 141,179

 First-Naturalized citizens.
 141,179

 Second-Native born citizens.
 90,973

 Third-Aliens.
 48,305

of New York, and had in his employment one Stephen Mosher.

Among the 141,000 naturalized citizens entitled to vote in the city of New York were a large number who had been naturalized in the different courts of the city during the year 1868. Commissioner Davenport, taking advantage of the fact that a number of naturalization papers were known to have been obtained by fraudulent practices during that year by persons who had not resided a sufficient time in the country, and that a certain amount of suspicion, in the public estimation, was attached to certificates bearing that date, formed a deliberate scheme to intimidate all persons naturalized during that year, whether guilty of frand or not, from exercising the right of suffrage, knowing that the majority of such persons were democrats. He therefore caused notices to be given that all certificates issued during that year were illegal, and particularly those issued out of the Superior and Supreme courts of that city, not upon the ground that these certificates had been obtained by false personation, perjury or other fraud, but because the clerks of the courts, after administering the oath of naturalization, had neglected to enter in the minutes thereof the admission of the person naturalized in what he (Davenport) considered to be the proper form.

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METHOD OF NATURALIZATION.

The method of naturalization thus objected to was not new, neither was it confined to the year 1808. In the Superior Court the practice was one that had prevailed during fifteen years, from 1808, long before any suspicions of improper practices had attached to any of the Justices of that court, to 1873, long after they had cessed. Under 14 40,00 citizens, including over one thousand women, had been naturalized during this period, all of whom, if the objection made to

these certificates was correct, were aliens and without right to hold the property they had since acquired.

This question, so far as the action of the Superior Court was concerned, was brought before Hon. John J. Freedman, one of the Judges of that court, at a special term thereof, held October 15, 1878, upon the potition of several parties naturalized during the year 1898 to have the record of their naturalization amended so as to correct the defects complained of by Commissioner Davenport, and upon notice to the United States District Attorney for the Southern district of New York. After a careful examination of all the authorities Judge Freedman rendered an exhaustive opinion, deciding that the method of naturalization complained of was lawful and regular and, therefore, declined to permit the amendment asked for. At the same time he stated that if any case of actual fraud was brought to the notice of the Court it would at once vacate any certificate of naturalization founded upon it. No attempt was ever made by Commissioner Davenport or any other person to bring up this question before any other court, and up to November 5, 1878, the day of election, this remained the only known judicial decision upon the subject.

VOTRAS INTIMIDATED.

The fear that Commissioner Davenport would take some such course as he actually did take deterred a large number of citizens, naturalized during the year 1908, from registering. While there were about ten thousand of them who registered in 1876, in 1878 the number was but five thousand. This number did, however, register upon different days, the first day of registration being twenty seven days before the day of registration being twenty seven days before the day of registration being twenty seven days before the days of them thus notified made inquiry at the Superiors of election appointed by Commissioner Davenport that their naturalization papers were irregular, others were one. In some cases the supervisors took the papers by force from the voters.

Many of them thus noti

rested were taken in the first place to the republican headquarters of the district and from there to Davenport's rooms. The others were taken there directly.

THE SLAVE PEN.

On the upper floor of the Post Office a large "slave pen" had been provided, into which these men, guiltless of any crime, were thrust like wild beasts, until it was packed with a struggling mass of suffering humanity, and there they were kept in this condition for hours without food or water. In addition to those thus confined the court rooms of the Circuit Court were crowded with other prisoners waiting the slow process of having their cases disposed or by three Commissioners—Davenport, Deuel and Shields. There were several other Commissioners in the building, or where their services could have been obtained, but these cases were only brought before these three, one being the instigator of the whole proceeding and the other two clerks employed by him in his office as clerk of the United States Circuit Court, and therefore subservient to his will. In addition, it was physically impossible for these three men to hear the vast number of cases brought before them during election day.

DAVENDORT'S PROCESS.

The process pursued in the majority of the cases was uniform and evidently agreed upon beforehand. If they had and if their naturalization was regular according to their statements they were informed that if they waived an examination they would be released upon their own recognizances to swait the action of the Grand Jury, and were accordingly discharged. If it appeared not to be regular they were held to ball. If they had not voted they would be arrested a second time if they broke their promises, if having been previously announced by Commissioner Davenport that he would exercise, what he termed his legal right, of taking twenty-four hours to examine into the sufficiency of any ball which might be offered, and would commit the party arrested in the meantime. This was equivalent to informing those men they would be locked up for at leas

by all. Nor was the threat of punishment for its violation an idle one.

HOW A VOTER WAS PUNISHED.

Patrick Whelan, who was brought before Commissioner Deuel on election morning, and released after his piedge had been extorted from him, voted in spite of it. He was at once are sted and brought before that Commissioner, who asked him if he had voted. He replied that he had a legal right to vote and had done so, as he did not consider a promise obtained as done so, as he did not consider a promise obtained as his had been binding. Bail was at once offered in the person of Mr. John Foley, a well known and responsible business man, personally acquainted with Mr. Davenport. Commissioner Deuel evaded the responsibility by sending the matter before Davenport himself. The latter stated that he would hold Mr. Whelan in \$5,000 bail to await the action of the Grand Jury. Mr. Foley at once signed a bail bond in that amount, and justified as the holder of unencumbered real estate in a sum far exceeding it. Mr. Davenport, however, stated he should take time to examine into his sufficiency as surety and sent Mr. Whelan to jail. Several hours later counsel inquired if he would not accept the bail, and entered a formal protest against his conduct. His only reply was that he intended to take his full time, and it was not until the following Thursday that the bail was accepted and Mr. Whelan released.

All through the day the examination descred along

conduct. His only reply was that he intended to take his full time, and it was not until the following Thursday that the beil was accepted and Mr. Whelan released.

All through the day the examination dragged along as slowly as possible, ten men being brought in under arrest where one man was released, until after the closing of the polls, when the remainder were released in a mass.

CHARACTER OF PERSONS ARRESIED.

The persons thus arrested and incarcerated for hours like felons included all classes of society from merchants to day laborers. Among them were a number of soldiers and sailors who had been naturalized upon the honorable discharge they had received from the army and navy. One of these had lost his right arm, but even he was not released until he had promised not to vote, the Commissioner naturally having great trouble in explaining to him why he should not be allowed to exercise the right of a citizen, for which he had shed his blood.

CONSEQUENT HARDSHIPS.

With scarcely an exception the persons arrested had gone to the polls with the idea of only being there for a few moments, and their arrest caused great hardship. Some had sick and even dying relatives who needed them, or were sick themselves; others would lose their situations by their absence; several were carmen who had let their teams standing in the streets and did not know what had become of them; many were lightly clothed and suffered from the exposure. In short, every possible injury that could be imagined, from the sudden arrest of this great number of unsuspecting citizens in a great city, was suffered by these men.

EVIDENCE OF INTIMIDATION.

The actual personal wrong sustained by those thus deprived of their liberty was not the whole of the injury inflicted by this procedure. The news of these arrests appread like wildfire through the city, and the majority of those adopted citizens who were naturalized in all courts during 1868 were intimidated from voting, thus carrying out the object for which the scheme was conceived and executed

were apprenensive that they, too, might be arrested if they offered to vote, and stayed away from the polls.

AGAINST DEMOCRATS ONLY.

It is unnecessary to say that this intimidation was directed against democrats. A few republicans were arrested, but it was by mistake, and they were generally released by the marshals. For example, Thomas Keyworthy and John Sparrow were both naturalized in the Superior Court on the same day and in the same manner, and both registered. The former, who is well known as a democrat, was arrested and kept a prisoner for several hours. The latter, who is equally well known as a republican, was not interfered with. A number were told that they would not be arrested if they would vote for some republican candidates.

THE NUMBER ARRESTED.

The number of persons who were thus arrested and imprisoned can only be ascertained by a committee of Congress. Application has been made to Commissioner Davenport to inspect the records of his office, but he has refused, except in cases where the counsel applying have been specifically authorized by the parties arrested, and in those cases only upon payment of fees. Even in these cases he has refused to allow his minutes of prisoners' statements to be examined, as also has Commissioner Deucl. It is known that the number of warrants issued was about four thousand. According to the accounts published in the papers on the day following the election, and which were evidently obtained from Davenport, the cases setually heard on

election day were 530—225 by Commissioner Davenport, 180 by Commissioner Deuel, 125 by Commissioner Shieida—of which 30 were sent to jail, althe others having been liberated. This number eithentil down to the court rooms in the Post Office building and discharged after it was too late for them to vote and without any examination being had. Neither does it cover the large number of men who were arrested and were discharged by the marshals or by the supervisors, or at the republican headquarters, to which they were taken, either on their agreeing not to vote or through influence of various kinds. Neither does it include the persons arrested and taken before Commissioner Apagar in the upper part of the city. The better opinion is that the number actually arrested was about one thousand or fifteen hundred.

The proceedings of Davenout and Mosher in On-

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ARRESTED WITHOUT CHARGE.

The proceedings of Davenport and Mosher in opposition to the right of personal liberty show that a large number of persons were arrested and imprisoned against whom no charge whatever existed. The certificate of Michael Lawless was dated in 1860 and that of Johannes Marks in 1878. The certificate of anturalization of Edward Roach, though dated in 1863, was a duplicate of one taken out the year before, and there were many such cases. Other men were arrested who were naturalized in the Superior Court of the State of Connecticut, in other courts of other States and in the interior counties of New York. But all were arrested the same way and upon the same printed charge.

It is scarcely necessary to comment upon the gross impropriety of this action of Davenport and his instrument, Mosher. The law under which they pretended to act simply covers the unlawful use of actificate of naturalization with the knowledge that it had been unlawfully made. Conceding everything asserted as to the action of the courts in issuing these certificates of naturalization, they were taken out ten years ago by parties who knew that they had complied with the law, and did not and could not know that the alleged irregularities had been committed by the clerk after they had taken the oath. They had also been informed by the decision of the Court naturalizating them that their papers were regular. How, then, could it be said that these papers were illegal or that they had used them knowing them to be illegal? If Commissioner Davenport had been acting with nulterior purpose but solely with an honest desire to enforce the law, why did ne not cause one or more of these parties to be arrested on the first day of registration, nearly a month before the election, so as to present a test case for decision specifically declaring the use of these certi

The manner in which these Commissioners construed the law may be estimated from the conduct of Commissioner Deuel in the cases of prisoners who were charged with using certificates of naturalization unlawfully issued to them, and where it was shown that such certificates had been destroyed long previous to registration and that the accused had registered upon parole proof of their naturalization. On the point being raised by counsel that they must be released because charged with an offence they had not committed, it was overruled by the Commissioner, who decided that they had practically used the certificate—although it was conceated not to exist—and were therefore within the meaning of the law.

MORE ABBITHARY ACTION.

The arbitrary action of Commissioner Davenport was not confined to the cases of naturalization. For example, there were in the Bellevus Hospital some twenty-five voters known to be democrats, who occupied various positions there as assistants and hispers to the physicians and clerks, and who have for years registered and voted from that place. The question in regard to their right to vote from the hospital was raised in the election of 1875, and it was decided by the United States District Attorney that they had a legal residence, there, and they were permitted to vote, which fact appears in the "Report of Elections in Northern States," No. 218, Forty-fourth Congress, p. 63.

Late on the night previous to election two of these men were arrested and brought before Commissioner Davenport. They were both natives of the State; one was a carpenter in the hospital and the other an assistant in the dispensary. Commissioner Davenport held them to ball in \$3,000 each. He was reminded that he had coincided with the views of the District Attorney in 1875 that these men could vote, but replied that "we" had decided that they could not vote, and stated that warrants were issued against all of those residing in the consented, as a favor, to accept the bail offered him and discharge temen, but warned them tha

the belief that it would be a shield to them as American citizans, is to be converted into an instrument of oppression, and whether they are not only to lose their citizenship, but to be adjudged criminals on account of an alleged technical error by the clerk of the court in which they were entirely ignorant, which occurred after they took the ost of cffizenship and received their certificate of naturalization, and which it was not possible for them to control.

They would therefore respectfully ask that your honorable body will take such steps as may be necessary to cause an immediate and thorough investigation into these transactions, and if the facts proved substantiate the assertions contained in this petition that you will cause Commissioner John I. Davenport and his associates to be impeached and removed from office.

All of which is respectfully submitted.

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All of which is respectfully submitted.
THOMAS K. HUGHES,
MICHAEL LAWLESS,
PATRICK GREEN,
ABRAHAM SELIG,
GEORGE SCHMIDT,
MICHAEL GAGAN,
ANDREW FOX,
ED. ROACH,
MICHAEL DOOLEY,
RICHARD DEGAN,
PETER ROSE,
CHARLES SPULER,
JOHN GUNN,
MICHAEL BOOLEY,
RICHARD DEGAN,
PETER ROSE,
CHARLES SPULER,
JOHN GUNN,
JOHN EVANS,
NATHAN SCHACK,
JOHN EVANS,
NATHAN SCHACK,
JOSEPH HOTTEN,
MATT. COLE,
PATRICK J. DUGAN,
JOSEPH HOTTEN,
MATT. COLE,
PATRICK J. DUGAN,
JAMES MILES,
ARTHUR J. HAGEN,
PATRICK MOORE,
PATRICK SMITH,
FRED. DARNSTADT,
JOHN GUNNING,
PATRICK MOORE,
MAGNEY
JOHN LEDDY,
JAMES BERMAN,
JAMES BEAN,
CORNELIUS MANGIN,
CORNELIUS MANGIN,
PATRICK MOORE,
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PATRICK SMITH,
FRED. DARNSTADT,
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PATRICK SMITH,
FRED. DARNSTADT,
PATRICK MOORE,
PATR NEW YORK, Nov. 26, 1878.

WHAT COMMISSIONER DAVENPORT SAYS. Commissioner Davenport, on being informed of the ntroduction of Mr. Wood's resolution in the House of Representatives, said to a reporter of the Henale of Representatives, said to a reporter of the Henale that he was very glad Mr. Wood had taken that course, and that he was particularly desirous that a Congressional investigation into his conduct should be unade. In the presence of the reporter he sent the following telegram to Mr. O. D. Conger, of Michigan, one of the members of the Judiciary Committee:

I trust the republicans in the House will vote for Mr. Wood's resolution, but I ask its amendment, so as to provide for a full investigation of official sets prior to as well as on sissuentary.

J. I. DAYENPOBT.

WASHINGTON.

The New York Nominations in Committee.

SENATOR CONKLING IN WAR PAINT

Bitter Denunciations of the President Reported.

REORGANIZATION OF THE ARMY.

Report of the Special Committee to Congress.

FROM AN OCCASIONAL CORRESPONDENT.

WASHINGTON, Dec. 12, 1878. THE NEW YORK NOMINATIONS BEFORE THE COM

MITTEE ON COMMERCE. The Senate Committee on Commerce which has in charge the various Custom House nominations and others, held its first meeting this morning. This meeting was, according to the gossip of the evening very poorly attended, and the following account of the

proceedings is given by persons who pretend to be well informed. When the hour came for the meeting of the committee, at half-past ten, of the nine mem bers who are Senators—Conkling, the chairman Spencer, McMillan, Patterson, Jones of Nevada. Gor don, Dennis, Ranson and Randelph-only four ap peared—namely, Messrs. Spencer, Patterson, Denniu and Randolph. The Chairman, Senator Conkling, die not arrive until half-past eleven, and on his arrival business was begun. The Chairman brought up be fore the four committeemen a considerable num ber of unimportant nominations, which were considered and passed upon or referred, and finally, journment, the Chairman brought up the New York Custom House nominations. Having laid them before the committee, Mr. Conkling thereupon made an adressd upon them, speaking his mind, with freedom and acrimony, of the President and of his action in making these nominations, and stigmatizing in par-ticular the act of removing Messrs. Arthur and Cornell and appointing others to their places during the recess of Congress by very opprobrious epithets. It, is asserted that he used the words "cowardly" and "sneaking" as properly descriptive of these acts, and it is added that he has rarely spoken more contempts ously or bitterly of the President than he did to-day.

When he had done, Senator Randolph arose and said that in his belief the act of the President was entirely proper and within his discretion. It violated no law but was in strict accordance with the Tenure of Office to the merits and character of the appointments and where the President made good and unexceptionable nominations he should consider it his duty to support them and move their confirmation

At this stage of the proceedings, when a good deal of Senatorial heat had been evolved, Mr. Denni moved that, as four members of the committee were absent, the further considerations of these appoint ments be postponed. On this motion a vote of those present was taken, which resulted in a tie, Messrs. Messrs. Spencer and Randolph against. This caused an evident embarrassment to the chairman, seeing which Mr. Randolph, the report says, suggested to Senator Spencer that he better save further embarrassment to chairman by changing his vote and thus carrying the postponement, to which, the story goes, Senator Spencer replied with considerable wild West-ern energy that he would not do so.

Finally Mr. Conkling declined to cast the deciding vote, and on motion the committee adjourned, not to meet again until next Thursday, the 19th, the day for adjourning over the holidays being set by the House for the 20th, in which the Senate will probably agree This story is the subject of eager discussion among republican politicians to-night. It is thought to settle the hitherto undecided question of Senator Conkling's attitude toward the administration. It has been supposed that he was, if not friendly, at least neutral, and it is now seen that he means to make fight. No doubt is felt that the nominations will now go over until after the holidays, and they cannot be considered then until the meeting of the 10th of Januthat they have known for some time that his nomination would be opposed by Senator Conk-ling, and they are not surprised, but they add that the Senator will find that he cannot carry the same strength in the Senate this time that he di on the occasion when he defeated Roosevelt and Prince, and that the longer he delays to report the nominations now the longer the present officers will retain their places. It is generally understood that the President will not under any circumstances renominate General Arthur or Mr. Cornell.

FROM . OUR SPECIAL CORRESPONDENT.

WASHINGTON, Dec. 12, 1878.

SENATOR EDMUNDS' CONDUCT DURING AND OPINION OF MB. BLAINE'S SPEECH.

Your correspondent was in error in the report of the debate on Mr. Blaine's resolution yesterday in stating that Mr. Edmunds read a book during the stating that Mr. Edmunds read a book during the delivery of Mr. Rlaine's speech. Mr. Edmunds had a book in his hands; he was looking up a passage in this book when Mr. Blaine began to speak, but he did not read during the speech. Further, the impatience he showed that the debate should close arose out of a strong desire to lose no time needlessly from the discussion of the Presidential Elections bill, which Mr. Edmunds is very anxious to pass at this session and hopes to bring to a vote to-morrow. As his haste and apparent impatience to end the debate and go to the regular order were misunderstood by many persons it is just to him to state, on the best authority, that he is favorable to the resolution of Mr. Blaine, and thinks the democrat made a grave mistake when they did not at once, and without debate, accept it.

FROM OUR REGULAR CORRESPONDENT.

WASHINGTON, Dec. 12, 1878. REORGANIZATION OF THE ARMY-REPORT OF THE SPECIAL COMMITTEE. The report of the special committee on the reor-ganization of the army was made in the Senate to-day

by Senator Burnside and in the House by Mr. Ban-ning. In the Senate the bill was made the special order for the 8th of January. The report and bill, as already stated, makes a very voluminous document entering into the minutest details connected with the military service. The special inter tion of the committee to make the bill a unanimous report failed. Mr. Bragg, of Wisconsin, did not arrive, as was expected, and it was not until to-day that Senator Plumb gave it his approval. to-day that senator Flumb gave it his approval.
At the meeting to-day the committee resolved not to
wait any longer, but to offer the bill as it was finally
agreed upon. The intention of fixing the number of
men at 20,000 was changed, for the reason that it was shown that it would be impossible to secure favor-able action on this provision in the House, especially in view of the recent Indian troubles on the frontier, and that it was useless to submit a bill which was open to amendment in its very inception. The committee found, also, that it was utterly impracticable to consolidate the Quartermaster's and Commissary departments. The feature of making the duties of the officers of the staff and line interchangeable, and giving the President the authority to appoint the heads of the several staff bureaus, was thered to. Provision was also made for the promotion of meritorious soldiers who were actually in field service, thus excluding the appointment of enlisted men on detached duty and in service in the departments in Washington. The bill makes the Secretary of War, under the President, the respon-sible head of the army, disposing of the long mooted

point as to whether the General was the head or the cretary. Another provision looks to the revival of what was commonly known in the army ten years ago as the "Benzine Board," by which officers who are not regarded as coming up to the high standard of excellence expected of officers in the reorganized

A prominent member of the committee said to-day, after the report was submitted, that he had not the slightest idea it would ever pass Congress. "I am aware," he said, "of the powerful influence which army circles have upon legislation relating to their interests. The radical changes which the bill proposes are enough to combine and concentrate all the opposition of the friends of the staff corps against its passage and the proposition to abolish the arsenals will also excite the opposition of the friends of the Ordnance Bureau. Still the committee has labored faithfully to perfect such a bill as their appointment demanded, and, while it contains provisions which are objectionable to several members of the committee, there had to be concessions for the sake of unanimity."

The bill provides for the repeal of so much of th Revised Statutes as refers to the organization of the army, from section 1,094 to 1,242, both inclusive. Among these sections are those providing for two regiments of cavalry and two of infantry, the enlisted men of which shall be colored men, and also the section 1,218, which prohibits the appointment of any person to a position in the army who served in any capacity in the military or naval service of the so-called Confederate States. In the readjustment of the bill no provision is made for the perpetuation of the distinctive colored regiments, in the hurry of preparing the bill for paragraph relating to appointments of those who served in the Confederate army. These omissions will undoubtedly provoke a lively debate, and as it was Senator Burnside's intention to have at least the section relating to the latter subject inserted in the bill, he will himself move it as an amendment when the bill comes before the Senate for discussion. CONGRESSMAN SMALLS' CASE—THE ACTION OF

THE CHIEF JUSTICE A SURPRISE.

The writ of error granted by the United States Su preme Court to the Supreme Court of the State of South Carolina in the case of Congressman Robert Smalls is made returnable on the second Monday of October next. This does not prevent the State Court from filing the certified copies of the case at an earlier date. Senator Butler says there will be no delay in making the answer.

The action of the Chief Justice in granting the writ is a surprise to those who are acquainted with the features of the case of Mr. Smalls, and it is understood that the ablest counsel will be employed to defend the position taken by the Supreme Court of

There was a rumor in the Senate to-day that Sen ator Wallace, of Pennsylvania, intends to reply to Senator Blaine's speech.

GENERAL WASHINGTON DESPATCHES.

DUTIES ON SUGAR-THE WAYS AND MEANS COM-MITTEE IN SEARCH OF INPORMATION.

The House Committee on Ways and Means to-day adopted a resolution offered by Representative Gibson providing for the appointment of a sub-committee of three to invite the Secretary of the Treasury (and such other officers as they may deem proper) to appear before the committee next Tuesday, the 17th inst., with reference to the duties upon sugar, and providing that the sub-committee shall in the eantime collect such other information on the subject as they may be able to, and report to the full Messrs. Gibson, Phelps and Garfield were appointed to serve as the sub-committee. It was also agreed to-day on the first day after reas sembling of Congress the committee will give a hearing to all persons concerned in the question of dutie upon sugar.

It can now be stated positively that there is at least no present probability of Attorney General Devens' retiring from the Cabinet. The President and other members of the Cabinet consider it of advantage to the government that no change shall occur at him the position of the First Circuit Judgeship h will defer his own wishes in regard thereto and

WEST POINT OFFICIALS OFFOSED TO A RAIL-BOAD BUNNING THROUGH THE ACADEMY

the Senate to-day, accompanied by a communication from the Commanding General Department of West Point and an opinion of the Judge Advocate General relative to the right of way granted to the Hudson River West Shore Railroad Company across the propby the act of Congress approved December 14, 1867, In accordance with the opinion of the Judge Advocate General, the Secretary of War respectfully recommends that the consent given by the act of 1867 be withdrawn and that the military authorities be authorized to so far remove or modify the con-structions, &c., erected or placed upon the land of the United States at the post of West Point, in consideration of the discipline, convenience and sanitary needs of the United States Military Academy, as may be thought proper.

PROCEEDINGS OF CONGRESS. SENATE.

WASHINGTON, Dec. 12, 1878.

Mr. Ferra, (rep.) of Mich., from the Committee on
Post Offices and Post Roads, reported favorably on
the Senate bill to designate, classify and fix the salaries of persons in the railway mail service. Placed on the calendar.

Mr. WINDOM, (rep.) of Minn., called up the Hous bill making appropriations for fortifications and other works of defence and for the armament thereof during the next fiscal year. In explanation of the bill Mr. Windom said the Committee on Appropriations recommended an increase of the appropriation for the protection, preservation and repair of fortifications from \$100,000 to \$200,000. They made this recommendation upon informatio from the department that recent storms had injured some of the fortifications and it would require con-siderable money to repair them. The committee also recommended an increase of appropriation for the armament of sea coast fortifications from \$125.00 to \$250,000, because it was thought that our fortifi-cations should be armed with guns of heavier calibre. The amendments proposed by the committee were agreed to, and the bill was read a third time and

Mr. Davis, (ind.) of Ill., presented a petition of citizens of Chicago asking that a tract of land of not

Mr. Davis, (ind.) of Ill., presented a petition of citizens of Chicago asking that a tract of land of not less than one million nor more than three million acree be held and used for a national charity farm, where all classes of poor, sick, disabled or infirm persons may have a home. He also presented a petition of ditizens of Chicago asking an appropriation for the construction of a canal from the southwest branch of the Chicago River to the mouth of the Calumet River, in that State.

Mr. ANTHONN, (rep.) of R. L., from the Committee on Printing, reported back the bill relating to public printing and binding. Passed.

It authorizes the Public Printer to print and bind papers and documents for Senators, Representatives and Delegates in Congress upon payment of the cost thereof and ten per cent additional.

HOT SPILINGS RESERVATION.

Mr. BLAINE, (rep.) of Me., called up the House bill, to correct an groor of enrolment in the bill making appropriations for sundry civil expenses of the commission to determine the claims of settlers in Hot Springs reservation, and authorizes the President of the United States to appoint such commission to determine the claims of settlers in Hot Springs reservation, and authorizes the President of the United States to appoint such commission, to consist of three prembers, to hold office for one year, &c., being an exact copy of the clause as passed at the last session.

Mr. Hill., (dem.) of Ga., objected to that portion of the bill which authorizes the Secretary of the Interior to lease the Arlington Hotel on the reservation of \$1,000, and also authorizing him to lease bathhouses and sites for the same.

Mr. Dousky, (rep.) of Ark., in reply said the proprietors of the Arlington Hotel had erected the building at a cost of \$10,000 before it was decided that the land belonged to the United States. The land was not worth a cent, and it was but just that the men who had built the hotel should be protected and allowed to retain possession of the property by paying ground rent.

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Mr. Hills, of Georgia, argued that the contract the contract that the contract the contract that the contract the contract the contract that the contract the contract the contract that the contract the Mr. Hill., of Georgia, argued that this was improper legislation upon the Sundry Civil Appropriation bill of last session, and it was now sought to pass it be cause it was omitted from the Sundry Civil Sill, either by accident or design. That argument had no force with him. He spoke of the medicinal qualities of the

waters of the Hot Springs, and said they should be kept perfectly free from intrusion.

Mr. Ganland, (dem.) of Ark., advocated the passing of the bill, and argued that, as the measure passed at the last session and was omitted from the Sundry Civil bill, it should be promptly re-enacted now and, the integrity of the record of Congress maintained.

Mr. Hill, of Georgia, submitted an amendment to strike out all that part of the bill authorizing the lease of the Arlington Hotel, bathhouses and sites, and it was rejected.

The bill was then read a third time and passed as it came from the House without amendment.

During a brief discussion as to the order of business it was agreed that a vote on Mr. Edmunds' bill, to amend certain provisions of the Revised Statutes in regard to the count of the electoral vote, should be taken to-morrow.

Mr. Bayand, (dem.) of Del., announced that he

Mr. BAYARD, (dem.) of Del., announced that he would ask the indulgence of the Senate to give his reasons for a somewhat hesitating support of the

bill.

The Vice President laid before the Senate a communication from the Secretary of War in regard to the withdrawal of the consent of Congress to the Hudson River West Shore Railroad Company extending its road across the West Point military reservation. Referred to the Committee on Military Affairs.

ARM REGGENIZATION.

tion. Referred to the Committee on Military Affairs.

AEM REOBEANIZATION.

Mr. BURNSIDE, (cep.) of R. I., from the Joint Select Committee to Prepare a Plan for the Reorganization of the Army, submitted a report, accompanied by a bill and numerous documents bearing on the subject. The bill, entitled "A bill to Reduce and Reorganiza the Army of the United States and to Make Rules for Its Government and Regulation," was placed on the calendar, and made the special order for the 8th of January next. It was ordered that all the papers be printed.

printed.

MISSISPIPI LEVELS.

Mr. EUSTIS, (dem.) of La., called up the bill introduced by him on the 4th of December, appropriating \$5,000,000 for constructing, rebuilding and repairing levees on the Mississippi River in Missouri, Kentucky, Tennnessee, Arkansas, Mississippi and Louisiana, for the purpose of submitting some remarks thereon. He argued that the government of the United States had a proprietary right over and sole control of the Mississippi River. The responsibility rested with the government of keeping that river in such a condition that it should not do harm to the property of other parties.

parties.
OBLIGATIONS OF THE GOVERNMENT.

The government bought the river, and he was not quite certain that it had not the right of disposing of it. He could see no reason why the government of the United States was not responsible in damages to thousands and thousands of people in the Mississippt Valley who had been ruined by the crevasses. It was the duty of the government of the United States to police that river and keep it enclosed within its banks. He spoke at some length of the great damage from overflows, and especially that of 1874, and referred to the legal obligations of the government in the mater, and argued that it was impossible for the States to adopt and execute any successful plan to perfect the levees. The work must be done by the general government.

levees. The work must be done by the general government.

Mr. PADDOCK, (rep.) of Neb., introduced a bill to amend the posse comitatus clause of the Army Appropriation bill for the present fiscal year so as to provide that it shall not apply to any part of the army employed in States or Territories subject to Indian incursions. Referred to the Committee on Military Affairs.

Mr. WINDOM, of Minnesota, called up the House bill making appropriations for the support of the West Point Military Academy during the fiscal year ending June 30, 1879.

In explanation of the bill he said the Senate committee had added but \$2,700 to the bill of the House-\$1,000 was to correct an error in regard to the pay of

mittee had added but \$2,700 to the bill of the House-\$1,000 was to correct an error in regard to the pay of two professors, \$1,200 for a clerk to the Treasurer, and \$500 for a safe for the disbursing officer.

The above amendments were agreed to.

The Bouse inserted a provise to the clause appropriating \$3,000 for expenses of the Board of Visitors, including mileage; that each member of the Board should receive five cents per mile for travel and \$5 per day for expenses during each day of his service at West Point.

The Senate committee reported in favor of striking out this provision, leaving the appropriation at \$3,000 for the expenses and mileage of the Board, without stating what mileage or per diem shall be paid. The amendment of the committee was agreed to.

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Mr. Maxey, (dem.) of Texas, submitted an amendment appropriating \$3,000 for apparatus for illustrating the science of electricity, as applied to the useful arts. Agreed to.

The bill, having been considered in the Committee of the Whole, was reported to the Senate, read a third time and passed.

The Senate then, at five minutes past four, went into executive session and when the doors were reopened adjourned until to-morrow.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Dec. 12, 1878. Mr. Woop, (dem.) of N. Y., rising to a question of privilege, offered a resolution for the investigation of privilege, offered a resolution to the conduct of John I. Davenport, Chief Supervisor of Elections for the Second Judicial district. proceedings in detail will be found in ano

Mr. Wood, of New York, chairman of the Commit tee of Ways and Means, reported back the Se resolution for adjournment over the holidays, from December 21 to January 6, with an amendment providing for adjournment from December 19 to January 8. The amendment was rejected—yeas 112, nays 130—and the Senate resolution, amended by making the adjournment date from December 20, was adopted. THE GENEVA AWARD BILL.

The regular order being demanded, the House re sumed the consideration of the Geneva Award but and was addressed by Mr. WILLIS, of New York, in favor of the majority report of the Judiciary Com-mittee. He reviewed the proceedings of the arbitra-tion and said that this government had only been in-tent on performing its duties in regard to the right of, certain citizens who had suffered from the depredations committed by the cruisers. Its claim, so fail on the way of the cruisers are considered to the second to the way of all of the way of the cruisers are considered to the the way of state was to the effect that the United States government did not wish any pecuniary award. He was glad that the odious doctrine was not now urged by anybody that the money belonged to the United States. The money was held in trust and the only question was whether the cestia que trust were those persons whose claims were specifically disallowed. Insurance companies should have been subjected to direct loss by the depredations of the inculpated cruisers, and have thus obtained an absolute right to a portion of the award, which it was not in the power of Congress from which had kept the Stars and Striper waving over the sea during the country's shour of peril. The majority bill simply referred all claims to a judicial tribunal, and no claimant could be heard in opposition to its unless he knew that justice would defeat him, equity would frow upon him and the law of nations undo him.

Mr. Lapham, (rep.) of N. Y., followed in support of the minority report. About \$10,000,000 remained outs of the award. What was to be done with it? Someheld that it should be returned to England, but now that the United States had paid, and England had grasped, five and a half millions for catching a few fish, the number of such persons had leasened. The idea of covering it into the defendence of the confederate cruisers, and, if that class could be found, ship-owners who had suffered losses by payment of warperniums should be reimbursed before any other cruisers, and, if that class could be found, ship-owners who had suffered losses by payment of warperniums in preference to any other claims of the was introduced as the award has been sliewed for loss of ships and cargoes and nothing else the government had no right to do anything with it except t